




STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Economic Services Administration
Division of Child Care and Early Learning
P.O. Box 45480, Olympia, Washington 98504-5480

February 23, 2006

TO: All DCCEL Staff

FROM: Rachael Langen, Director 
Division of Child Care and Early Learning

SUBJECT: COMPLAINT FINDING REVIEW PROCESS

Summary of Changes

This memo outlines a process for reviewing valid licensing complaint findings issued after July 24, 2005. July 24, 2005 is the effective date of Engrossed Substitute Senate Bill 5806, which required the department to have an interactive website for parents to research complaints about licensed child care providers. Valid licensing complaint findings issued before that time are not eligible for review. Beginning March 1, 2006, please use the revised complaint closed notification letter in **English** and **Spanish** (attached).

A letter notifying providers who had valid complaints between July 24, 2005 and February 28, 2006 will be mailed from Olympia. The letter will be in both **English** and **Spanish** (see attached).

History

DCCEL has not had a review process for valid complaint findings. With the release of the enhanced LCCIS Website, valid complaints will be available on the DCCEL internet for public access. All of the information posted on the LCCIS website is public information and readily available to anyone making the request.

New Procedure

Beginning March 1, 2006, for providers who request it, the Complaint Finding Review consists of the following steps:

- 1. Request for review.** The request for review of complaint findings must:
 - a. Be from the licensed provider;
 - b. Be addressed to the licensor or supervisor in the local DCCEL office;
 - c. Be in writing;
 - d. Be received in the local DCCEL office within 28 calendar days after receipt of the letter explaining the resolution to the complaint;
 - e. Include a detailed statement about the reason the provider disagrees with the complaint finding. The statement must not be a simple request for a review. The request must detail why the provider believes the finding is incorrect.
- 2. Information collection.** To be completed by the licensor within five business days of receiving the request for review in the local DCCEL office. (Step One)

- a. The licensor is responsible to collect the following information and deliver it to the supervisor:
 - i. From CAMIS, the licensor will print out an Outlook-based Facility Complaint Critical Incident Report (from the Open/Facility Complaints/Reports menu);
 - ii. All supplementary documentation associated with the complaint that is not part of the CAMIS record (Compliance Agreements, police reports, substance abuse evaluations, etc.), and
 - iii. The request for review received from the provider, along with any supplementary documentation supplied by the provider.
- 3. Supervisor review & notification of findings.** To be completed by the supervisor within seven business days of completion of Step Two.
 - a. All information gathered in Step Two will be reviewed and documented in the **Complaint Finding Review Checklist** (attached).
 - b. The supervisor will distribute three copies of the Complaint Finding Review Checklist:
 - i. The original will be attached to the hard copy of the documents reviewed and placed into the licensing file;
 - ii. A second copy of the checklist will be sent to the provider;
 - iii. A third copy of the checklist will be forwarded to the Administrator of the DCCEL Policy Unit.
 - c. If a valid finding is overturned, the supervisor will:
 - i. Change the valid finding in CAMIS:
 - 1. Valid findings that are overturned will be changed to “inconclusive” or “not valid”. This decision belongs to the reviewing supervisor and will be based on the circumstances;
 - 2. Issues and findings not supported by the allegations must be removed from the complaint, not changed to “not valid” or “inconclusive”.
 - ii. Enter an SER (attached to the complaint ID) stating that the complaint was reviewed and detailing the results of the review. The supervisor will use the “Supervisory Review” SER code that is located on the Supervisory/Licensing SER tab.
 - d. If the provider continues to disagree with the finding, they can request a second review from the Field Manager.
 - e. All steps for this second review request will parallel the steps listed above, except for two points:
 - i. If the provider desires further review, the timeframe for making the request for a Field Manager review will be ten business days from the date the provider receives the Complaint Finding Review checklist from the supervisor; and
 - ii. The Field Manager will obtain from the licensing file the original packet of documents reviewed, and use a new checklist to re-review all documents.

Clarifying Information

This process is not intended as a means to reinvestigate a complaint. The Supervisor/Field Manager will examine documentation by the licensor and determine if the complaint investigation was conducted properly and if the documentation clearly supports the valid finding. Documentation submitted by the provider (the request for a review and any attachments), will also be examined and considered.

Valid complaint findings issued before July 24, 2005 are not eligible for review. Only valid findings with a “complaint closed date” on or after July 24, 2005 are eligible for review.

Complaint Finding Review Process

February 23, 2006

Page 3

Complaint Closed letters must be mailed to the provider no later than 5 days after the closure of the complaint. They are to be sent regular mail, not Certified Mail.

Only valid findings will be reviewed; "inconclusive" and "not valid" findings are not eligible for review.

Only a licensed provider can request a review, and only of their own complaints. This is to ensure the privacy of the provider and the families they serve.

No Complaint Finding Reviews will take place during a licensing action (suspension, revocation, civil penalties). Reviews of complaints will cease if a licensing action is started during a Complaint Finding Review process. Complaint findings that are issued while a licensing action is in process are not eligible for review. If a licensing action is started after a request for a complaint review, the supervisor will note that on the Complaint Finding Review Checklist and forward a copy of the checklist to the Administrator of the DCCEL Licensing Policy Unit.

Licensing actions (suspension, revocation, civil penalties) will not be delayed if a review of a complaint finding is requested. In other words, if a licensing action is warranted, it will be initiated regardless of whether or not a provider requests a review of a complaint finding.

Complaint Finding Reviews are allowed while a provider is on a Probationary License unless another license action (suspension, revocation, civil penalties) is also in progress.

Compliance Agreements that result from a complaint will be reviewed as a part of the Complaint Finding Review process. Compliance Agreements that result from a complaint must not be delayed because of a Complaint Finding Review.

The review is of findings for valid licensing issues only, not overall complaint resolution. If the complaint being reviewed is a DLR/CPS complaint, only the licensing issues will be reviewed. DLR/CPS Facility Investigator SER's, Investigative Assessments, and other product of the DLR/CPS investigation will not be included in the review. The licensing portion of the DLR/CPS complaint must be fully documented by the DCCEL licensor and that documentation must fully support the licensor's finding, independent of the DLR/CPS investigation. A review of licensing findings for these complaints will not begin until DLR/CPS is finished with their investigation and the complaint is closed.

There is no further mechanism for review beyond the supervisor and Field Manager.

A Complaint Finding Review Checklist will be completed and distributed as directed in this policy for all requests received.

If you have any questions about this procedure, please contact your supervisor.
Thank you.

Attachments

cc: Joel Roalkvam